X.—GOVERNMENT MOTION.

MOTION UNDER RULE 21 (3) OF THE ASSEMBLY RULES *re* CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

" That under Rule 21 (3) of the Assembly Rules, the order of business as set in the agenda for 28th September 1956 be revised and item IX in the Agenda, namely, the Malabar Tenancy (Amendment) Bill, 1956, be taken up before item VIII."

The motion was put and carried.

XI.—NON-OFFICIAL BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1956 (L.A. BILL NO. 14 OF 1956)—*cont.*

MR. SPEAKER : We will now take up the Malabar Tenancy (Amendment) Bill, 1956.

SRI V. R. KRISHNA AYYAR : Mr. Speaker, Sir, I move—

" That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), be taken into consideration."

Sir, the objects of the Bill have been explained yesterday and we have only to continue the thread from where it was left yesterday. There is unanimity of opinion so far as the Malabar members are concerned and so we can proceed with the Bill. There are certain amendments of which notice has been given by the Government and there is also one private amendment given notice of by the hon. Member Sri Appu and so far as I am concerned, I have not got the slightest objection to accepting them.

MR. SPEAKER : Motion moved—

" That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), be taken into consideration."

SRI E. K. SANKARA VARMA RAJA : Mr. Speaker, Sir, I support the Bill introduced by the hon. Member Sri V. R. Krishna Ayyar and also the amendments given notice of by the Government. Yesterday evening the Members of Malabar had a detailed discussion about the parent bill and the present bill. We also discussed about the Government amendments and we have arrived at an unanimous decision to support the Bill. I do not want to speak much about the Bill except to say that we are all unanimous about the passing of the Bill. In the interests of the cultivating tenants of Malabar, I request the Government to expedite the passing of this Bill.

SRI A. APPU : Mr. Speaker, Sir, I support the Amending Bill introduced by my hon. Friend Sri V. R. Krishna Ayyar. As suggested by the Hon. the Leader of the House, we informally met yesterday and discussed the Bill and we have agreed to support the Bill unanimously. This Bill is an absolute necessity.

At present, the tenants are suffering a lot. If this Bill is passed into law, I submit that there would be sufficient protection for the tenants of Malabar. Otherwise, they will be ruined. We cannot wait till the Kerala State Assembly is formed. I am very thankful to the Hon. the Leader of the House for agreeing to push through this Bill immediately. I have also given notice of one or two amendments for omitting the words "third crop". We have discussed that question also. If it is retained, the provision might be misinterpreted and it will affect the interests of the tenants. I request that my amendments may be accepted. I have nothing more to say now.

* SRI K. KUNHI MOHAMED SHAFEE : Sir, I rise to support the Bill under discussion. In so doing, I particularly thank the Government for the valuable help they are extending to this measure. This is our parting time and it is gratifying that the Government have come forward to give relief to the agriculturists of the Malabar district. Such a measure is quite necessary and we are particularly happy that this measure is going to be passed into law at the present sitting itself.

MR. SPEAKER : The question is—

"That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

MR. SPEAKER : The motion is—

"That clause 2 do stand part of the Bill."

There are two amendments given notice of by the Government. They may be moved.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

"In clause 2, *for* the words 'the following Explanations' occurring in line 15, *substitute* the words 'the following Explanation.'"

"*For* the word and figure 'Explanation I' occurring in line 17, *substitute* the word 'Explanation'; and *omit* Explanation II."

SRI A. APPU : Sir, I beg to move the amendments standing in my name—

"In the Explanation I, *omit* the words 'or third' occurring in line 18, and 'first or' occurring in line 19."

"In Explanation I, *add* the following words at the end 'which shall be deemed to be the first crop'."

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MR. SPEAKER: The clause and the amendments are now before the House for discussion.

SRI V. R. KRISHNA AYYAR: Sir, The amendments are quite proper and I accept them. The amendments are acceptable also to all the Members coming from the Malabar district. 4-20 p.m.

The amendments were put and carried.

The clause as amended was put and carried.

Clause 3.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

" *For* clause 3, *substitute* the following :—

' 3. *Amendment of section* 16, *Madras Act XIV of* 1930.—In section 16 of the principal Act, after the words "either the tenant" the words and brackets " (including a kanamdar or a customary verumpattamdar) " shall be inserted.' "

The amendment was put and carried.

Clause 3 as substituted was put and carried.

Clause 4.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

" *For* clause 4, *substitute* the following :—

' 4. *Amendment of section* 32, *Madras Act XIV of* 1930.—In section 32 of the principal Act, after the expression " Malabar Tenancy (Amendment) Act, 1951 " insert the expression " or the Malabar Tenancy (Amendment) Act, 1954 (Madras Act VII of 1954) " and *for* the expressions " the Act aforesaid " and " the Amending Act aforesaid " *substitute* " the Acts aforesaid " and " the Amending Acts aforesaid " respectively.' "

The amendment was put and carried.

Clause 4 as substituted was put and carried.

Clause 5.

THE HON. SRI C. SUBRAMANIAM: In the Government amendment No. 5, the words " and this Act " have to be added and with your permission I shall include those words also. I move—

" *For* clause 5, *substitute* the folowing :—

' 5. *Repeal of section* 4 *of the Madras Act XXIV of* 1945 *and consequential provision.*—(1) Section 4 of the Malabar Tenancy (Second Amendment) Act, 1945 (Madras Act XXIV of 1945) is hereby repealed and shall be deemed to have been repealed as from the date of commencement of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951).

(2) Where before the commencement of the Malabar Tenancy (Amendment) Act, 1954 (Madras Act VII of 1954) a landlord has obtained possession of a holding in execution of a decree passed by a Court on or after the 1st July 1942 under clause (5) or clause (6) of section 14 or under clause (5) or clause (6) of section 20 of the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) and such decree would not have been passed if the principal Act as amended by the Malabar Tenancy (Second Amendment) Act, 1945 (Madras Act XXIV of 1945), the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951) and this Act had been in force at that time the tenant shall be entitled to be restored to the possession of the holding with all the rights and subject to all the liabilities of a tenant if he makes an application in that behalf in the Court which passed the decree within twelve months of the commencement of this Act.' "

THE HON. SRI C. SUBRAMANIAM : I move—

" In sub-clause (2) of clause 5 as proposed in amendment No. 5, *add* the following proviso :

' Provided that before such restoration is effected, the tenant shall be bound to return to the landlord (i) the value, if any, paid by the landlord to the tenant for his improvements, (ii) the kanartham, if any, and (iii) the value of the improvements, if any, effected bona fide by the landlord, between the date on which he obtained possession of the holding and the date on which possession thereof is restored to the tenant.' "

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

" *Add* the following as sub-clauses (3) and (4) to clause 5 proposed in amendment No. 5 :

' (3) If a landlord has obtained possession of a holding in the circumstances specified in sub-section (2), and if at the time he obtained such possession there were intermediaries between him and the tenant, then, the provisions of sub-section (2) of section 41 of the said Act shall apply to such intermediaries as they apply in relation to the intermediaries referred to in that sub-section.

(4) Nothing contained in this section shall affect the rights of any bona fide transferee from the landlord.' "

The amendments were put and carried.

Clause 5 as amended was put and carried.

Clause 6.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

" *For* clause 6, *substitute* the following :—

' 6. *Amendment of section 53, Madras Act XXXIII of 1951.*—In section 53 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), for the words " If before the

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expiry of twelve months from the commencement of the Malabar Tenancy (Amendment) Act, 1954'', the words ''If before the commencement of the Malabar Tenancy (Amendment) Act, 1954, or after the commencement of that Act and before the expiry of twelve months from such commencement'' shall be substituted and to the section, the following Explanation shall be added :—

'' *Explanation.*—Rent in respect of which a decree has been passed shall be deemed to be rent due or payable.'' ' ''

The amendment was put and carried.

Clause 6 as substituted was put and carried.

Clause 7.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

'' For clause 7, *substitute* the following :—

' 7. *Consequential provisions.*—(1) Where before the commencement of this Act any Court has passed a decree for rent against any tenant and a Rent Court has subsequently fixed fair rent under the provisions of the principal Act, any tenant may, within three months of the commencement of this Act, apply to the Court which passed the decree to amend the decree so as to give effect to the order of the Rent Court fixing fair rent and if as a consequence of such amendment, the decree is fully satisfied by giving credit to the payment already made, satisfaction of the decree shall be entered and only such amounts as may be outstanding after the decree has been so amended shall be recoverable from the tenant.' ''

THE HON. SRI C. SUBRAMANIAM : I move—

'' In clause 7, the following shall be added as sub-clause (2) :—

' (2) Where before the commencement of this Act any Rent Court has fixed fair rent, the Rent Court shall on application by the tenant within three months of such commencement amend the order fixing fair rent by giving effect to the provisions of the principal Act as amended by this Act and the principal Act as amended by this Act shall also apply to petitions pending at such commencement.' ''

SRI M. NARAYANA KURUP : Sir, I wish to move a minor amendment to this Government amendment I move—

' For the words '' petitions pending at such commencement '' occurring at the end of the proposed sub-clause (2), the words ''petitions, appeals and other proceedings pending at such commencement '' be substituted.'

The amendment was duly seconded.

THE HON. SRI C. SUBRAMANIAM : I accept the amendment.

The amendment was put and carried.

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Government amendment proposing sub-clause (2) to clause 7 as amended by the amendment of Sri M. Narayana Kurup was put and carried.

Government amendment substituting clause 7 was put and carried.

Clause 1 and the Preamble were put and carried.

Clause 8.

THE HON. SRI C. SUBRAMANIAM : I oppose the clause.

The clause was put and lost.

Clause 1 and the preamble were put and carried.

SRI V. R. KRISHNA AYYAR : Sir, I move that the Bill as amended be passed.

MR. SPEAKER : Motion moved—

" That the Malabar Tenancy (Amendment) Bill, 1956, as amended be passed."

SRI M. NARAYANA KURUP : While appreciating the Government's goodwill, I will only request them to continue that goodwill by getting this Bill passed by the Legislative Council immediately, by getting the President's Assent and by publishing the Act in the Gazette before 1st November 1956. If the Act does not come into force before 1st November, complications are likely to arise.

SRI V. R. KRISHNA AYYAR : I must express my sincere thanks for the very resourceful suggestion which the Hon. Leader of the House made yesterday when everything looked catastrophic and for his help in the expeditious passage of this Bill. The various amendments moved by the Government show that they have exercised their mind in great detail and they have been very helpful in making the Bil, we presume, proof against further onslaughts in Courts of law. I am thankful to all the Members from Malabar and also the other Members who have helped us in the passage of this Bill. Now an additional responsibility
4-30 p.m. devolves on the Leader of the House. He is the only bridge between us and the Council. The Bill is rather a technical one, and there will be all kinds of difficulties when this Bill is piloted in the Council. Naturaly, we have got to depend very much upon the Leader of the House to help us in the Council also because the fulfilment of our objective will really be accomplished only when the Bill is passed in the Council also. That is a great responsibility, and I hope the Leader of the House will, in deference to the view of the Malabar Members, discharge his duty creditably and see that the Bill is passed there also.

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I might also request that the last and the very necessary step of getting the President's assent or approval be taken sufficiently in advance of 1st November 1956. All these require a continuous, vigilant, and active help from the Government. Now that the process is there and the Government have helped us in a very extraordinary manner, I hope they will see that the Bill becomes an Act before 1st November 1956.

SRI P. RAMAMURTHI : Sir, I think I must congratulate the Government on this occasion. Although this session has been a very short session of only a few days, for the first time during the last five years, we have passed two private Member's Bills hardly within a week. I hope this precedent will be kept up not only in the next session but also in the subsequent sessions.

THE HON. SRI C. SUBRAMANIAM : Sir, I am really happy that the Hon. the Leader of the Opposition has expressed his desire(?) and I would like to express my own hope that such useful Bills will be brought forward by hon. Members. The present occasion is proof of the fact that Government will always welcome measures from any quarter provided they are good and beneficial.

MR. SPEAKER : The question is—

"That the Malabar Tenancy (Amendment) Bill, 1956 (L.A. Bill No. 14 of 1956), as amended, be passed."

The motion was put and carried and the Bill as amended was passed.

XII.—GOVERNMENT BILLS.

(1) THE TANJORE TENANTS AND PANNAIYAL PROTECTION (AMENDMENT) BILL, 1956.

THE HON. SRI C. SUBRAMANIAM : Sir, I beg to introduce the Tanjore Tenants and Pannaiyal Protection (Amendment) Bill*, 1956, and move—

"That the Bill be taken into consideration."

Sir, this measure is a consequential one to the two measures which we had just passed, namely, the Cultivating Tenants Protection Bill and the Cultivating Tenants (Payment of Fair Rent) Bill. I do not think any explanation is necessary from me. I think this will not be a controversial Bill and will be passed unanimously without much discussion.

MR. SPEAKER : The question is—

"That the Tanjore Tenants and Pannaiyals Protection (Amendment) Bill, 1956, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

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